THE HYDERABAD PUBLIC LIBRARIES ACT, 1955.

No. III of 1955.

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THE HYDERABAD PUBLIC LIBRARIES ACT, 1955.

No. III of 1955.

(Received the assent of the Rajpramukh on 4th April, 1955; assent first published in the Hyderabad Gazette Extraordinary on the 5th April, 1955).

An Act to provide for the establishment and maintenance of Public libraries in the State of Hyderabad and the organisation and the development of a comprehensive rural and urban library service therein.

Preamble.

WHEREAS it is expedient to provide for the establishment and maintenance of public libraries, and the organisation and development of a comprehensive rural and urban library service in the State of Hyderabad ;

BE it enacted in the Sixth Year of our Republic as follows:—

(1) Preliminary.

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Public Libraries Act, 1955.

(2) It extends to the whole of the State of Hyderabad.

(3) This section shall come into force at once; and the rest of this Act shall come into force on such date and in such areas as the Government may, by notification, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) 'Aided library' means a library declared by the Director to be eligible for aid from the Library Fund;

(2) 'Council' means the State Library Council constituted under section 3;

(3) 'Director' means the Director of Public Libraries appointed under section 4;

(4) 'District' means a revenue district;

(5) 'Library Cess' means the rate or assessment authorised by this Act for the purpose of carrying the Act into execution;

(6) 'Notification' means a notification published in the official Gazette;

(7) 'prescribed' means prescribed by rules made under this Act;

(8) 'Public library' includes—

(a) a library established or maintained by a Local Library Authority, and the branches and delivery stations of such a library;

(b) a library established and maintained by Government and declared open to public;

(c) a library established and maintained by any Local Body and declared open to public;

(d) a library declared to be eligible for aid from the Library Fund;

(9) 'year' means the financial year.

(ii) State Library Authority and State Library Council.

State Library Authority and the State Library Council.

3. (1) For the purposes of this Act the Minister for Education (hereinafter referred to as the Minister) shall be the State Library Authority.

(2) The State Library Authority shall promote the formation of the Local Library Authorities and take suitable steps to establish a Public Library System.

(3) The Government shall, by notification constitute a State Library Council consisting of—

1. The Minister;
2. The Minister for Local Self-Government;
3. The Secretary, Education Department;
4. The Director of Public Instruction;
5. The Director of Public Libraries;
6. The Librarian, State Central Library;
7. Two persons elected by the State Legislature;
8. One person appointed by the Executive Council of the Osmania University;
9. One person appointed by the Executive of the Hyderabad Library Association;
10. Two persons appointed one each by the Corporations of Hyderabad and Secunderabad;
11. Three persons appointed by the All-Hyderabad Local Bodies Conference;
12. One person with special knowledge of Library Science nominated by the Minister; and
13. One person each appointed by every Local Library Authority.

(4) The Minister shall be the President of the Council and the Director shall be the Secretary thereof.

(5) The Council shall advise the Government on all matters arising under this Act and exercise such powers and perform such functions as may be prescribed.

(6) Members of the Council shall hold office for three years from the date of their elections or appointment, as the case may be.

(iii) The Department of Public Libraries and The Director

Constitution of the Department of Public Libraries, appointment of the Director and his duties.

4. For the purposes of this Act the Government shall constitute a separate department of Public Libraries and either appoint a separate Director for that department or appoint the Director of Public Instruction to be the Director of Public Libraries. The Director so appointed shall subject to the control of the State Library Authority—

(a) manage, if appointed as Librarian, the State Central Library, together with the branches of such library;

(b) superintend and direct all matters relating to public libraries;

(c) declare, in accordance with the rules made under this Act, what libraries are eligible for aid from the Library Fund and superintend and direct all matters relating to such libraries;

(d) superintend and control the work of all Local Library Authorities under this Act in the manner as may be prescribed from time to time;

(e) submit to the Government every year a report on the working of libraries under this Act in the previous year;

(f) perform such duties and exercise such other powers as directed by the Council in the prescribed manner; and

(g) perform such other duties and exercise such other powers as are imposed or conferred by this Act or the rules made thereunder.

(iv) Local Library Authorities.

Constitution and functions of the Local Library Authorities.

5. (1) For the purpose of organising and administering public libraries in the State, there shall be constituted Local Library Authorities, one for the City of Hyderabad, one for the city of Secunderabad and one for each district.

(2) It shall be the duty of every Local Library Authority to provide Library Service in its area.

(3) The Local Library Authority for the city of Hyderabad shall consist of—

(a) nine members nominated by the Government of whom three shall be from the public libraries of the city and one from the Hyderabad Library Association;

(b) five members nominated by the Hyderabad Municipal Corporation; and

(c) the Librarian, City Public Library, as and when established by the Local Library Authority for Hyderabad city.

(4) The Local Library Authority for the city of Secunderabad shall consist of—

(a) five members nominated by the Government of whom two shall be from the public libraries of the city and one from the Hyderabad Library Association;

(b) three members nominated by the Secunderabad Municipal Corporation; and

(c) the Librarian, City Public Library, as and when established by the Local Library Authority for the city of Secunderabad.

(5) The Local Library Authority for each district shall consist of—

(a) six members nominated by the Government of whom two shall be from the public libraries, one from the City Municipal Committees, one from the Town Committees and one from the Village Panchayats of the District;

(b) two members, one nominated by the City Municipal Committee of the District Headquarters or in the absence of any City Municipal Committee at the District Headquarters by the largest Municipal Committee in the district and one by the District Board;

(c) the Librarian, District Public Library, as and when established by the Local Library Authority of the District.

(6) Every Local Library Authority shall elect one of its members to be its Chairman.

(7) The Librarian of the City or the District Public Libraries connected shall be the Secretary of the respective Local Library Authority. Until the appointment of a Secretary is made, Government shall nominate any one member of the Local Library Authority as Convenor.

(8) Members of a Local Library Authority shall hold office for three years from the date of their appointment.

(9) A vacancy in the office of a member of a Local Library Authority occurring otherwise than by efflux of time shall be filled by nomination in accordance with the provisions of sub-sections (2), (3) and (4), as the case may be, and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the member, whose place he takes, was appointed.

(10) Members of Local Library Authorities shall be eligible for reappointment.

Incorporation of Local Library Authorities.

6. Every Local Library Authority shall be a body corporate, by the name of the area for which it is constituted, shall have perpetual succession and a common seal and shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding or transferring property, movable or immovable, of entering into contracts and of doing all things necessary, proper or expedient for the purpose for which it is constituted.

Executive Committees and Sub-committee of Local Library Authorities.

7. (1) A Local Library Authority may appoint an Executive Committee consisting of such number of its members, not exceeding five, as it may deem fit and delegate to such Committee all or any of its powers or duties under this Act.

(2) A Local Library Authority may also from time to time appoint sub-committees to enquire into and report or advise on any matters which it may refer to them.

Schemes to be submitted by Local Library Authorities.

8. (1) As soon as possible after a Local Library Authority is constituted, and thereafter as often as may be required by the Director, every Local Library Authority shall, and whenever it considers it necesary so to do a Local Library Authority may, prepare a scheme for establishing libraries and for spreading library service within its area and submit it to the State Library Authority for sanction through the Director. The State Library Authority may sanction it with such modifications and additions, if any, as he may think fit, and the Local Library Authority shall give effect to the scheme as sanctioned by him.

(2) The State Library Authority may **suo motu** or on application by the Local Library Authority concerned modify any scheme sanctioned under sub-section (1) or replace it by a new scheme.

Powers of Local Library Authorities.

9. A Local Library Authority may—

(a) provide suitable lands and buildings for public libraries and also the furniture, fittings, materials and conveniences requisite therefor;

(b) stock such libraries with books, periodicals, newspapers, maps, works and specimens of art and science, lantern slides, cinema reels and other things suitable for their purpose;

(c) employ from time to time such staff as it considers necessary for such libraries;

(d) with the previous sanction of the State Library Authority, change the site of or close any public library mentioned in sub-clause (a) of caluse (8) of section 2 or discontinue aid to any other public library;

(e) accept any gift or endowment for any purpose connected with its activities, provided that the previous sanction of State Library Authority is taken for accepting any gift or endowment of immovable property;

(f) provide for lectures and the holding of classes; and

(g) in general, do everything necessary to carry out the provisions of this Act.

Vesting of properties in Local Library Authorities.

10. All property movable or immovable acquired or held in any area by the Local Library Authority for the purposes of any public library mentioned in sub-clause (a) of clause (8) of section 2 shall vest in the Local Library Authority of that area.

Making of Bye-laws by Local Library Authorities.

11. (1) Subject to the provisions of this Act and the rules made thereunder, a Local Library Authority may make Bye-laws, generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the provisions contained in sub-section (1), such bye-laws may provide for—

(a) the admission of the public to the public libraries in its area on such conditions as it may specify; provided that no fees shall be charged for admission to such public libraries;

(b) requiring from persons desiring to use such libraries any guarantee or security against injury to, or misuse, destruction or loss of the property of such libraries;

(c) the manner in which the property of such libraries may be used and the protection of such property from injury, misuse, destruction, or loss; and

(d) authorising its officers and servants to exclude or remove from any such library any person who contravenes or fails to comply with the provisions of this Act or the rules or Bye-laws made thereunder.

(3) The State Library Authority may, in their discretion, modify or cancel any Bye-law made by a Local Library Authority under sub-section (2):

Provided that before modifying or cancelling any Bye-law, the State Library Authority shall give the Local Library Authority concerned a reasonable opportunity to make its representations in the matter.

(v) **Finance and Accounts.**

Library Cess.

12. (1) (a) Every Local Library Authority shall levy in its area a library cess in the form of a surcharge

on the property tax or house tax levied in such area under the Hyderabad Municipal Corporations Act, 1950 (XXXVI of 1950), the Hyderabad Municipal and Town Committees Act, 1951 (XXVII of 1951), the Hyderabad Village Panchayat Act, 1951 (VIII of 1951) or the Hyderabad District Boards A'in, 1352 Fasli, as the case may be, at the rate of six pies for every whole rupee in the property tax or house tax so levied.

(b) A Local Library Authority may, with the previous sanction of the Government and shall, if so directed by them, increase the rate specified in clause (a).

(2) The cess levied under sub-section (1) shall be collected—

(a) in the city of Hyderabad, by the Municipal Corporation of Hyderabad;

(b) in the city of Secunderabad, by the Municipal Corporation of Secunderabad;

(c) in an area within the jurisdiction of a Municipal or Town Committee by such committee;

(d) in area within the jurisdiction of a Panchayat by the Panchayat; and

(e) in an area in a district not included within the jurisdiction of a Municipal or Town Committee or a Panchayat, by the District Board—as if the cess were a property tax or house tax payable under the Hyderabad Municipal Corporations Act, 1950, the Hyderabad Municipal and Town Committees Act, 1951, the Hyderabad Village Panchayat Act, 1951, or the Hyderabad District Boards Act A'in 1352 Fasli, as the case may be, and all the relevant provisons of the said Acts shall apply acordingly:

Provided that the Government may, by notification direct that, for the purposes of the collection of the cess aforesaid, the provisions of any of the aforesaid Acts applicable to the concerned area, shall apply, subject to such modifications as may be specified in the notification.

(3) The cess collected under sub-section (2) shall be paid to the Local Library Authority concerned by the Municipal Corporations of Hyderabad and Secunderabad, the Municipal or Town Committees, the Panchayat or the District Board, as the case may be.

Library Fund.

13. (1) Every Local Library Authority shall maintain a fund called the 'Library Fund' from which all its payments under this Act shall be met.

(2) There shall be credited to the Library Fund the following sums, namely:—

(a) the cess collected under sub-section (2) of section 12;

(b) contributions, gifts and income from endowments made for the benefit of public libraries;

(c) special grants which the Government may make for any specific purpose connected with libraries; and

(d) fees, fines and other amounts collected by the Local Library Authority under any rules or regulations made under this Act.

(3) The Government shall contribute to the Library Fund maintained by every Local Library Authority other than the Hyderabad City Local Library Authority, a sum not less than the cess collected under sub-section (2) of section 12.

Maintenance of accounts.

14. (1) An account shall be kept of the receipts and expenses of each Local Library Authority.

(2) The account shall be open to such inspection, shall be subject to such audit, disallowance and surcharge and shall be dealt with in all other respects in such manner, as may be prescribed.

Supersession or reconstitution of Library Authorities.

15. Notwithstanding any provision in this Act, the Government may, in cases where they think it necesssary to do so, supersede or reconstitute any Local Library Authority constituted under this Act:

Provided, however, the Government shall give notice to the authority concerned together with the grounds on which they propose to supersede or reconstitute it and shall consider any explanation that may be offered by such Authority.

(vi) Reports, Returns and Inspection.

Reports and returns.

16. Every Local Library Authority and every person in charge of a public library shall submit such reports and returns and furnish such information to the Director or any person authorised by him, as the Director or the person authorised may, from time to time, require.

Inspection of Libraries.

17. The Director or any person authorised by him may inspect any public library or any institution attached thereto for the purpose of satisfying himelf that the provisions of this Act and the rules and Bye-laws thereunder are duly carried out.

(vii) **Rules.**

Power to make rules.

18. (1) The Government may, by notification, make rules consistent with this Act to carry out the purposes thereof.

(2) In particular and without prejudice to the generality of the powers contained in sub-section (1), such rules may provide for—

(a) all matters required or allowed to be prescribed under this Act;

(b) the method of appointment of members;

(c) the matters to be included in the scheme referred to in section 8;

(d) the maintenance of the minutes of the proceedings of Local Library Authorities;

(e) the publication of audited statements of the accounts of such authorities and of the reports of the auditors; and

(f) a Library Grant-in-aid Code, regulating the aid to and the declaration, inspection and co-ordination of aided libaries and the standards to be maintained by such libraries.

(viii) **Miscellaneous.**

Copyright privilege.

19. The Asafia State Library which shall hereafter be the State Central Library, shall receive two free copies of all the publications published in the State.

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